

Application No. 09/937,792  
Paper dated July 15, 2004  
In Reply to USPTO Correspondence of March 16, 2004  
Attorney Docket No. 2046-011632

## **AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims**

1. (previously presented) A wayside applicator bar for applying a material to a head of a rail, comprising: a body; a flow passageway defined in said body for the material to flow through, the flow passageway defining an exit end; and a dam provided adjacent the exit end adapted to contain the material with an outside upper surface of the head of the rail, said dam terminating at a crown of the head of the rail.

2. (previously presented) A wayside applicator bar as claimed in claim 1, wherein the dam is made of an elastomeric material.

3. (previously presented) A wayside applicator bar as claimed in claim 2, wherein the dam comprises a D-shaped seal.

4. (previously presented) A wayside applicator bar as claimed in claim 2, wherein said elastomeric material comprises rubber.

5. (previously presented) A wayside applicator bar as claimed in claim 1, further comprising a skirt for enclosing an upper portion of said dam and defining a material exit with a portion of the rail to direct the material to a crown portion of the rail.

6. (previously presented) A wayside applicator bar as claimed in claim 5, wherein said dam comprises a D-shaped seal and said skirt is flexible.

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7. (previously presented) A wayside applicator bar as claimed in claim 6, further comprising a supply reservoir of material in fluid communication with the flow passageway.

8. (previously presented) A wayside applicator bar as claimed in claim 1, wherein said dam comprises an elongated elastomeric member and said applicator bar further includes means for forcing ends of said elastomeric member against a rail surface.

9-13. (canceled)

14. (currently amended) A wayside top of a rail applicator system, comprising: a rail that includes a head having an upper surface with a crown; and an applicator for applying a material ~~to on~~ the upper surface of the head of the rail, said applicator comprising a body, a flow passageway defined in said body for the material to flow therethrough, the flow passageway defining an exit end for directing the material to said crown of said rail, and a skirt positioned adjacent the exit and above the crown.

15. (previously presented) A wayside top of rail applicator system as claimed in claim 14, further comprising a dam provided adjacent the exit end to contain the material with an upper outside surface of the head of the rail said dam terminating at a crown of the head of the rail.

16. (previously presented) A wayside top of the rail applicator system as claimed in claim 15, wherein said dam is made of elastomeric material.

17. (currently amended) A wayside top of rail applicator system as claimed in claim 14, wherein said ~~applicator comprises a skirt positioned adjacent the exit end for directing the material to the crown of the rail~~ skirt is one of a flexible material and an elastomeric material.

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18. (canceled)

19. (previously presented) A wayside top of rail applicator system as claimed in claim 15, further comprising a dam provided adjacent the exit end to contain the material with the head of the rail.

20. (previously presented) A wayside top of rail applicator system as claimed in claim 19, further comprising a supply reservoir of material in fluid communication with the flow passageway.

21. (previously presented) A wayside top of rail applicator system as claimed in claim 20, further comprising a pump in fluid communication with the supply reservoir and means for activating said pump to force the material through the flow passages and onto the upper surface of the rail.

22. (previously presented) A wayside applicator bar as claimed in claim 13, wherein said distribution blade is made of a metal.

23-27. (canceled)

28. (currently amended) A wayside applicator bar as claimed in claim ~~40~~ 14, wherein said skirt comprises a polymeric material containing reinforcing fibers.

29-32. (canceled)

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33. (new) A wayside applicator bar for applying a friction modifying material to a head of a rail, comprising:

a body; and

a flow passageway defined in said body for the material to flow through, the flow passageway defining a stationary exit end, said flow passageway including an elastomeric member forming a portion of the stationary exit end, the elastomeric member adapted to contain the material for depositing on an outside surface of the head of the rail.

34. (new) A wayside applicator bar for applying a material to a rail head of a rail as claimed in claim 33, wherein said rail elastomeric material comprises rubber.

35. (new) A wayside top of rail applicator system, comprising:

a rail that includes a head; and

an applicator for applying friction modifying material to the rail, said applicator comprising a body, a flow passageway defined in said body for the material to flow therethrough, the flow passageway defining a stationary exit end for directing the material to the head, said flow passageway including an elastomeric member forming a portion of the stationary exit end, the elastomeric member adapted to contain the material for depositing on an outside surface of the head.

36. (new) A wayside top of rail applicator system as claimed in claim 35, wherein said elastomeric member comprises rubber.

37. (new) A wayside top of rail applicator system as claimed in claim 14, wherein said skirt is metal.